

Congress of the United States
Washington, DC 20515

April 17, 2023

Hon. Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Secretary Buttigieg:

We write to you regarding the application of SkyWest Charter LLC for authority to conduct scheduled passenger operations as a commuter air carrier under 49 U.S.C. § 41738 [Docket DOT-OST-2022-0071]. The Department of Transportation should deny the application. We believe this is yet another attempt by regional carriers to undermine the lifesaving First Officer Qualification rules (FOQ) that we fought so hard to enact after the fatal crash of Colgan Air Flight 3407 in Western New York. Further, the application appears to operate outside the laws governing service for essential air service (EAS) communities, and will create a precedent for rural air service to operate at a lower safety threshold, making Americans less safe.

Following the tragic and preventable Colgan Air crash, Congress decisively strengthened qualifications for first officers. The Airline Safety and Federal Aviation Administration Act of 2010 (P.L. 111-216) and its attendant regulations have reduced commercial aviation fatalities by 99.8%. The law has been tremendously effective and is one of the most critical consumer protections enacted by Congress this century.

This application would essentially allow SkyWest Airlines to use its wholly owned subsidiary, SkyWest Charter LLC, to shift its Essential Air Service (EAS) flying from its current scheduled FAR Part 121 operations to FAR Part 135. This means they will be able to operate at a substantially lower level of safety, using substantially less trained first officer pilots. Such an operation is neither warranted by law nor by the perceived economic interests of the applicant and its parent owner.

Congress requires the Department to consider “assigning and maintaining safety as the highest priority in air commerce” when granting a certificate to an air carrier. SkyWest Airlines’ stated reason for shifting flying to this charter applicant is based on its perceived inability to retain airline captains. If the Department were to accept this flawed argument, it would open the floodgates for regional carriers to get around these life-saving safety protections, abridging the hard-fought “one level of safety” for fliers that was the impetus for the 2010 law and FOQ rule. The Department would be in error to grant a near-permanent certificate to an airline based on a self-inflicted and temporary business concerns. Additionally, the Department does not allow scheduled service for EAS communities to occur under public charter rules. Granting this application would run afoul of this long-standing principle.

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The long-term consequences of granting this application are substantial. The short-term financial concerns of an airline shouldn't outweigh the Department's foundational commitments regarding safety. Granting this application sets a dangerous precedent for air service to be less safe. The unfortunate, deadly history that created the current safety regime enacted by Congress should serve as a reminder that safety is not guaranteed, and low-time pilot operations are a danger to the flying public and the communities such an operation would fly over. We strongly urge that you deny this application.

Sincerely,



BRIAN HIGGINS
Member of Congress



NICK LANGWORTHY
Member of Congress

CC: Billy Nolen, Acting Administrator, Federal Aviation Administration